

Remarks/Arguments

Claims 1-15, 17, 19-22 and 26-29 are pending in the present application. Claims 1, 8 are presently amended. Claims 5, 6 and 12-15 were previously amended. Claims 16, 18, and 23-25 were previously canceled without prejudice. Claims 26-29 were previously added.

Claims 1-15, 17 and 19-22 and 26-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,478,990 (Montanari et al) in view of Systems Architecture, 2nd Edition (hereinafter "Burd"). This rejection is respectfully traversed for the following reasons.

Montanari relates to a method of tracking the production history of livestock and meat food products, derived therefrom, using barcodes. (Col. 9, lines 36-50.) In Montanari, "the present invention utilizes computers to scan labels produced during a production process to input information into a computer database for later retrieval and access." (Col. 6, lines 10-13.) "Pathogen testing can be performed at any stage during the slaughtering process and results can be entered into the animal's medical and/or microbiological record, allowing for such information to be accessed by reference to each animal's A-TN [Animal Tracking Number]. In a preferred embodiment, pathogen testing is performed on meat just after an animal is slaughtered by the taking of a sample of blood or other tissues." (Col. 12, lines 30-37.) "The present invention importantly provides a method of determining the production history of a product to identify the source of pathogens and to thereby facilitate the recall of products originating from particular distributors, fabrication plants, processing plants, feedlots, raisers, or individual animals." (Col. 17, lines 62-67). The following information may be determined from testing for pathogens and residues on a portion of an animal: "weight of the product after specific processing steps, microbacterial profile of said product, date and time of processing of said product, original and subsequent producers of said product, the organic and/or natural status of said product, genetic information, lean-to-fat ratio, medical history, and agent exposure information including chemical, additive, residue, hormone and radioactive agents." (Col. 20, lines 16-51).

Burd discloses controlling access of one or more users to files, directors and entire secondary storage devices. (Burd at 576).

Neither Montanari, nor Burd, alone or in combination, teaches or suggests the following features recited in claim 1 and claim 8: (1) receiving the need in terms of quantity and delivery date for a crop or agricultural item, (2) conducting a transaction for the needed crop or agricultural item, where the contract data is retrievable by a contract identifier reference and wherein the contract data includes lab results for the transaction, and (3) formation of an ingredient history of a product derived from the crop or agricultural item. An

ingredient history describes the respective origin or originator of the list of ingredients that constitute the product, for example.

In contrast to the alleged combination of Montanari and Burd, amended claim 1 and 8 now recite: (1) "receiving a need for a quantity and delivery date" of a corresponding agricultural item or crop, "the need inputted at a second stage by a second stage party for access to at least one first stage party;"

(2) "conducting a transaction" in the agricultural item or crop "between a first stage party and a second stage party via a communications network, the transaction defined by contract data retrievable by a contract identifier reference, the contract data including at least one of the following lab results for the transaction: protein content, deoxyribose nucleic acid (DNA) content, pesticide content, moisture content, foreign matter content, ash content, and mineral make-up;" and

(3) formation of an ingredient history of a product derived from the crop or agricultural item.

Even if it were possible to combine Montanari and Burd, the alleged combination would lack conducting a transaction where the contract data is available via a contract identifier reference and where the contract data includes lab results. Neither Montanari, nor Burd discloses a method for conducting a transaction or sale of an animal or a crop via an electronic communications network. Rather, in Montanari a rancher may merely record the sale of an animal to a feedlot in a database as a record-keeping function after a sale has occurred or has been approved by the State Brand Inspection Agency. (Col. 11, lines 44-52.)

Moreover, the alleged combination of Montanari and Burd lack the formation of the ingredient history of the product derived from the crop, as recited in claims 1 and 8. The claimed ingredient history may provide ingredient data on the origins of the ingredients of the product, as opposed to merely product data on the origins of the product itself. The ingredient history of a product provides a greater depth of information on the constituent components of a product than is contemplated or disclosed in the alleged combination of Montanari and Burd. The tracking of the "animal of origin from which an animal byproduct is derived" as in Montanari (Col. 4, lines 53-55), provides information on only on an animal-based component of the by-product, rather than a complete ingredient history. For example, a by-product may refer to an animal hide treated with a preservative ingredient (which is untracked in Montanari). Tracking "what the animal was fed and when such feeding took place." (Col. 11, lines 19-21), or "all location transfers of animals having specific A-TNs" [Animal Tracking Numbers] (Col. 11, lines 20-21), or "that particular drugs, feeds, or medicines, pesticides, either were or were not utilized during the raising of the food product" (Col. 7, lines 65-66) does not necessarily include tracking the ingredient history for the food product. For example, tersely tracking the type or name of a particular feed given to an

animal does not mean that the originator, origins of feed or the feed history are tracked or even known, for example.

For the foregoing reasons, Applicant respectfully requests allowance of claims 1 and 8. Because claims 2-7 and 26-29 depend upon claim 1, claims 2-7 and 26-29 are patentable for at least similar reasons to claim 1. Applicant respectfully requests withdrawal of the above rejection of claims 1-8 and 26-29.

With respect to claim 9, even if the file management system of Burd and the method for tracking contamination of food products of Montanari could be combined, the alleged combination would not meet claim 9. Neither Bird, nor Montanari, alone or in combination, discloses the inventory management method set forth in claim 9. Moreover, neither Montanari, nor Burd, alone or in combination, discloses controlling inventory of a grain ingredient at least partially based on "quality data" comprising at least one of the following lab results for the grain ingredient: "protein content, deoxyribose nucleic acid (DNA) content, pesticide content, moisture content, foreign matter content, ash content, and mineral make-up."

Applicants note that Webber (U.S. Pat. No. 6,167,378) was previously cited against claim 9 and that the Applicant's previous modifications to claim 9 were not noted or addressed in the Examiner's last Office Action, dated 12/14/2004. Although Webber references an optional inventory management system (Col. 21, lines 25-27), Webber does not disclose management of inventory as set forth in amended claim 9.

In claim 9, inventory is tracked according to "recorded ingredient inventory information and recorded product inventory information" to minimize a storage level of the grain ingredient by a purchaser thereof consistent with tracking pending orders for the second item." Accordingly, the method of claim 9 supports the purchaser's ability to look both ways in the supply chain with respect to inventory and demand. Claim 9 recites that the inventory of a purchaser of a grain ingredient is controlled based on the following: (1) quality of the grain ingredient, (2) quantity of the grain ingredient, and (3) inventory level of the second item derived from the grain ingredient. Above items 1 and 2 are defined as "recorded ingredient inventory information." Further, the quality of the grain ingredient is now associated with lab results for "protein content, deoxyribose nucleic acid (DNA) content, pesticide content, moisture content, foreign matter content, ash content, and mineral make-up". Consistent with claim 9, the inventory level of the grain ingredient may be minimized to track pending orders for the second item, as opposed to the first item or grain ingredient. For the foregoing reasons, Applicant respectfully requests the withdrawal of the above rejection of claim 9. Because claims 10-15, 17 and 19-22 depend upon claim 9, claims 10-15, 17 and 19-22 are patentable for at least similar reasons to claim 9.

Any amendments to the claims (or any revisions to claim language) that were not

explicitly explained above were made to clarify the claims to advance comprehension of the claims by the Examiner and the public and not to overcome any cited prior art. Accordingly, the interpretation of such amendments (or revisions) that were not explicitly explained above shall be entitled to broad interpretations under the doctrine of equivalents in accordance with applicable case law.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested. If there are any issues that can be resolved via a telephone call, the Examiner is encouraged to call Applicant's representative.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525.


Respectfully,


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